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10/570,591	03/06/2006	Takashi Eguchi	NS-US055265	9896

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EXAMINER	
MCNALLY, KERRI L	

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/570,591	EGUCHI, TAKASHI	
	Examiner	Art Unit	
	KERRI L. MCNALLY	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. **Claims 1-36** are currently pending in this application.

Claim Objections

2. **Claim 35** is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 17. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3. **Claim 36** is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 18. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 19-30** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in claim 19 and also in claim 21, the phrase "or the like" is indefinite terminology. Examiner has ignored this and examined the remainder of the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 1, 3, 12, 17, 19, 21, 30, and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,038,135 (Jurkiewicz et al.) in view of US Patent No. 5,304,981 (Leising et al.).

Regarding claims 1, 17, 19, and 35, Jurkiewicz teaches a sensor communications network for a vehicle wherein an ajar indicator turns on when the vehicle door is opened during the presence of an ignition voltage (Abstract). Therefore, when the ignition is on and the door is opened, an alarm goes off. This alarm is irrelevant of gear shift position, thus, the alarm will go off when the door is opened, the ignition is on, and the gear shift is in park.

Furthermore, even though Jurkiewicz teaches that the indicator is a door ajar indicator, Examiner considers that the indicator can also be considered a power position warning indicator, because the indicator is indicating to the driver that the door is open when the ignition is on. When the door is opened when the ignition is off, there is no indicator. Thus, the door ajar indicator is also a power position indicator.

Jurkiewicz does not expressly teach a gear shift position detection device for detecting a vehicle gear shift position.

Leising teaches a method of determining the driver selected operating mode of an automatic transmission by sensing the position of a manually actuated shift lever (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine this feature of Leising with Jurkiewicz to detect whether

or not the shift lever is in a park position, and therefore you can further detect the intention of the driver to leave the car and thus provide a more accurate alarm when it is detected that the driver intends to exit the vehicle while the ignition is on.

Regarding claims 3 and 21, Jurkiewicz and Leising teach the systems of claims 1 and 19 as discussed above. Jurkiewicz does not explicitly state that the power position warning device is operable to output the power position warning indication until the vehicle power position is moved to a position indicating ignition off.
However, Examiner considers it would have been obvious to one of ordinary skill in the art at the time the invention was made to continue the indication until either the door was shut or the ignition was turned off, thus indicating an unsafe state of the vehicle having the ignition on with no driver present until the state changes to a safer state.

Regarding claims 12 and 30, Jurkiewicz teaches that the door ajar indicator is a light (See Fig. 4).

9. **Claims 2 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,038,135 (Jurkiewicz et al.) as modified by US Patent No. 5,304,981 (Leising et al.) and further in view of US Patent No. 5,202,580 (Janssen).

Regarding claims 2 and 20, Jurkiewicz and Leising teach the systems of claims 1 and 19 as discussed above. Jurkiewicz does not expressly teach the power position warning device is operable to output the power position warning indication until the vehicle power position is moved to a position that locks engine ignition.
Janssen teaches an anti-tampering ignition lock for a vehicle (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine an ignition lock with the system of Jurkiewicz and Leising and to continue the indicator until the ignition was locked, thus ensuring that the vehicle is secure and safe when the driver is not present.

10. **Claims 4, 11, 22, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,038,135 (Jurkiewicz et al.) as modified by US Patent No. 5,304,981 (Leising et al.) and further in view of US Patent Application Publication No. 2003/0048180 (Takee et al.).

Regarding claims 4 and 22, Jurkiewicz and Leising teach the systems of claims 1 and 19 as discussed above. Jurkiewicz does not expressly teach the power position warning device is operable to cancel the power position warning indication if it is detected that the gear shift position has become a position other than in the P (park) range or if it is detected that an engine start operation has been carried out.

Takee teaches a key lock-in prevention system wherein when keys are left in an ignition and a door is opened, an alarm goes off; however, if the engine is started, then the system stops the alarm because a running engine indicates the driver is not intending on leaving the vehicle (Abstract; Paragraph [0040]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine this feature of Takee with Jurkiewicz and Leising so that the alarm goes off when it indicates the driver is intending on leaving the vehicle with the ignition on and keys in the ignition, but the alarm stops when the system indicates the engine has been started, thus indicating no intention of the driver leaving the vehicle, and thus no indication that the driver is leaving his keys in the vehicle accidentally.

Regarding claims 11 and 29, Takee further teaches detecting the status of the driver side door and if the driver side door is open, the driver may be preparing to alight from the vehicle (Paragraph [0008]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Takee with Jurkiewicz and Leising so as to detect the status of the driver side door and utilize that information as to whether or not a driver is trying to alight from the vehicle via the driver side door with the ignition on, which is an unsafe condition.

11. **Claims 5, 6, 7, 8, 9, 23, 24, 25, 26, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,038,135 (Jurkiewicz et al.) as modified by

US Patent No. 5,304,981 (Leising et al.) and further in view of US Patent No. 4,871,994 (Takeda et al.).

Regarding claims 5 and 23, Jurkiewicz and Leising teach the system of claim 1 as discussed above. Jurkiewicz does not expressly teach a gear shift position warning device for outputting a gear shift position warning indication of forgetting to return a gear shift position in the P (park) range when the engine is stopped, in response to a result of the detecting by the power position detection device and the gear shift position detection device.

Takeda teaches an alarm apparatus for a vehicle to from creeping when the key is removed from the ignition with the shift level set to neutral, an alarm is produced to remind the driver to set the shift position to park (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Takeda with Jurkiewicz and Leising to ensure that when the vehicle is stopped, the vehicle is in park, and if it is not, signal an alarm to remind the driver to put it in park to prevent the vehicle from creeping or moving unexpectedly.

Regarding claims 6 and 24, Jurkiewicz, Leising, and Takeda teach the systems of claims 5 and 23 as discussed above.

As discussed above, Takeda teaches an alarm apparatus for a vehicle to from creeping when the key is removed from the ignition with the shift level set to neutral, an alarm is produced to remind the driver to set the shift position to park (Abstract).

Furthermore, as discussed above, Leising teaches a method of determining the driver selected operating mode of an automatic transmission by sensing the position of a manually actuated shift lever (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect whether or not the shift lever is in a park position, and therefore you can further detect the intention of the driver to leave the car when the shifter is in the park position and the keys have been removed from the ignition, thus being able to provide a more accurate alarm system that can detect when a driver intends to exit a vehicle.

Regarding claims 7 and 25, Jurkiewicz, Leising, and Takeda teach the systems of claims 5 and 23 as discussed above. Takeda does not expressly teach the gear shift position warning device is operable to continue the gear shift position warning indication until the gear shift position is moved into a position in the park range or it is detected that an engine start operation has been carried out.
However, Examiner considers it would have been obvious to one of ordinary skill in the art at the time the invention was made to continue the alarm of Takeda until the gear shift position has been changed to park, thus preventing vehicle creep or movement, and thus not needing to alarm the driver anymore of a dangerous situation.

Regarding claims 8 and 26, as discussed above, Takeda teaches an alarm apparatus for a vehicle to from creeping when the key is removed from the ignition with the shift

level set to neutral, an alarm is produced to remind the driver to set the shift position to park (Abstract). Furthermore, even though Takeda does not explicitly disclose that the gear shift position warning device is operable when the vehicle power position has moved from a position in which the engine is running to a position in which the engine is not running, Examiner considers that this system meets that limitation because anytime when the key is removed from the ignition and the shifter is in neutral, it will cause an alarm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Takeda with Jurkiewicz and Leising to ensure that when the vehicle is stopped, the vehicle is in park, and if it is not, signal an alarm to remind the driver to put it in park to prevent the vehicle from creeping or moving unexpectedly.

Regarding claims 9 and 27, Takeda further teaches that the alarm is a buzzer (Column 3, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a buzzer because buzzers are easily noticeable and thus the driver should take notice of a buzzer almost immediately.

12. **Claims 10 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,038,135 (Jurkiewicz et al.) as modified by US Patent No. 5,304,981 (Leising et al.) and further in view of US Patent No. 6,300,869 (White et al.).

Regarding claims 10 and 28, Jurkiewicz and Leising teach the systems of claims 1 and 19 as discussed above. Jurkiewicz does not expressly teach the alighting detection device is operablet o detect that the driver is preparing to alight from the vehicle when a lock on a seat belt for the driver is released.

White teaches an alarm system for a vehicle wherein a seat belt position sensor determines when the seat belt is inactive and sounds an alarm when the seat belt is inactive and the vehicle is running (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the seat belt sensor with the invention of Jurkiewicz and Leising to detect whether the driver is preparing to alight from the vehicle with the keys in the ignition or the vehicle running, and thus set off an alarm indicating to the driver that this condition is not safe.

13. **Claims 13, 15, 16, 18, 31, 33, 34, and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,926,088 (Barr) in view of US Patent Application Publication No. 2003/0048180 (Takee et al.).

Regarding claims 13, 18, 31, and 36, Barr teaches a vehicle transmission alarm system that when a vehicle is stopped (*power position detection device*) and the shift lever (*gear shift position detection device*) is not in park, an alarm is energized (Abstract). Barr does not explicitly teach detecting the engine stopping, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to detect

the engine stopping so as to detect when the driver was actually stopped at a destination and may exit the vehicle as opposed to just stopping at a traffic light.

Barr does not expressly teach a power position warning device for outputting a power position warning indication when the gear shift position detection device detects that the gear shift position has moved to the park range during output of the gear shift position warning indication.

Takee teaches a key lock-in prevention system wherein when keys are left in an ignition and a door is opened, an alarm goes off (Abstract; Paragraph [0040]).
Even though Takee does not explicitly teach generating an alarm when the gear shift position detection device detects that the gear shift position has moved to the park range during output of the gear shift position warning indication, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Takee with Barr so that when the vehicle shifter is moved to park in response to the gear shift position warning indication, an alarm goes off to remind the driver to take their keys out of the ignition before they leave so they don't lock their keys in the vehicle or leave their keys in the ignition, which makes it easy for someone to steal the vehicle.

Regarding claims 15 and 33, as discussed above, Takee teaches a key lock-in prevention system wherein when keys are left in an ignition and a door is opened, an alarm goes off (Abstract; Paragraph [0040]). Even though Takee does not explicitly

teach the power position warning device is operable to provide the power position warning indication until the power position is moved to a position showing ignition off, it would have been obvious to one of ordinary skill in the art at the time the invention was made to signal the alert until the ignition was turned to off and the driver took his keys with him, thus preventing him from forgetting his keys in the vehicle.

Regarding claims 16 and 34, Takee teaches a key lock-in prevention system wherein when keys are left in an ignition and a door is opened, an alarm goes off; however, if the engine is started, then the system stops the alarm because a running engine indicates the driver is not intending on leaving the vehicle (Abstract; Paragraph [0040]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the system so that the alarm goes off when it indicates the driver is intending on leaving the vehicle with the ignition on and keys in the ignition, but the alarm stops when the system indicates the engine has been started, thus indicating no intention of the driver leaving the vehicle, and thus no indication that the driver is leaving his keys in the vehicle accidentally.

14. **Claims 14 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,926,088 (Barr) as modified by US Patent Application Publication No. 2003/0048180 (Takee et al.) and further in view of US Patent No. 5,202,580 (Janssen).

Regarding claims 14 and 32, Barr and Takee teach the systems of claims 13 and 31 as discussed above. Barr does not expressly teach the power position warning device is operable to output the power position warning indication until the power position is moved to a position that locks engine ignition.

Janssen teaches an anti-tampering ignition lock for a vehicle (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine an ignition lock with the system of Barr and Takee and to continue the power position indicator until the ignition was locked, thus ensuring that the vehicle is secure and safe when the driver is not present.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- **US Patent No. 4,482,885 (Mochida)** teaches an alarm system for an automatic transmission which is generated when the driver prepares to leave the vehicle with the transmission not in park.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERRI L. MCNALLY whose telephone number is

(571)270-1840. The examiner can normally be reached on Monday - Thursday, 8 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLM

/Jeff Hofsass/
Supervisory Patent Examiner, Art Unit 2612